

Of Counsel:  
ALSTON HUNT FLOYD & ING  
Attorneys At Law  
A Law Corporation

PAUL ALSTON 1126-0  
BRUCE H. WAKUZAWA 4312-0  
GLENN T. MELCHINGER 7135-0  
JASON H. KIM 7128-0

American Savings Bank Tower  
1001 Bishop Street, 18th Floor  
Honolulu, Hawai'i 96813  
Telephone: (808) 524-1800  
Facsimile: (808) 524-4591  
Email: palston@ahfi.com  
bwakuzawa@ahfi.com  
gmelchinger@ahfi.com  
jkim@ahfi.com

Attorneys for Plaintiffs  
and Third-Party Defendants  
the Sports Shinko Companies

1. IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO CO., LTD., ) CV 04-00124 ACK-BMK  
Plaintiff, ) CV 04-00127 ACK-BMK  
vs. )  
QK HOTEL, LLC, et al., )  
Defendants, )  
and )  
 ) DECLARATION OF  
 ) JERRY KIMOTO;  
 ) SUPPLEMENTAL  
 ) EXHIBIT "79" IN SUPPORT  
 ) OF PLAINTIFF'S  
 ) MEMORANDUM IN  
 ) OPPOSITION TO THE KG

FRANKLIN K. MUKAI, et al., ) **PARTIES' MOTION FOR**  
Third-Party Plaintiffs, ) **SUMMARY JUDGMENT,**  
vs. ) **FILED MAY 10, 2007, FILED**  
 ) **AUGUST 24, 2007;**  
 ) **CERTIFICATE OF SERVICE**  
SPORTS SHINKO (USA) CO., )  
LTD., et al., )  
Third-Party )  
Defendants, )  
and )  
SPORTS SHINKO (HAWAII) CO., )  
LTD., et al., )  
Third-Party Defendants/ )  
Counterclaimants, )  
vs. )  
QK HOTEL, LLC, et al., )  
Third-Party Counterclaim )  
Defendants. )  
AND CONSOLIDATED CASES )

---

**DECLARATION OF JERRY KIMOTO**

Pursuant to 28 U.S.C. § 1746, I declare that:

2. I make this Declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.

3. I have been employed by the Ocean Resort Hotel Waikiki (the "ORH") since 1987. I started as the head accountant, and after Sports Shinko (Waikiki) Corporation purchased the ORH in 1990, I was promoted to Assistant General Manager ("AGM"). I remained ORH's AGM until the hotel was transferred to the KG companies in 2002.

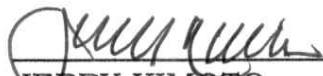
4. My duties for the ORH in 2001 and 2002 as AGM included, among other things, preparing the budget for the ORH and monitoring day to day operations of anything involving financial aspects that affected the budget. I was also involved in preparing weekly sales flash reports which were sent to Sports Shinko in Japan.

5. Attached as Ex. "79" is a true and correct copy of a Sales Staff Meeting Agenda dated March 19, 2001 that I created. I created this document at or near the time of the meeting and kept it in the course of the ORH's regularly conducted business activity. It

was the regular practice of the ORH to make this type of document.

*I declare under penalty of perjury that the foregoing is true  
and correct.*

Executed in Honolulu, Hawai'i on September 16, 2007.

  
\_\_\_\_\_  
JERRY KIMOTO